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OFFICE OF PETITIONS

In re Application of	:	
Tatsuo Kobayashi	:	
Application No. 10/607,128	:	DECISION ON PETITION
Filed: June 27, 2003	:	
Attorney Docket No. 116378	:	

This is a decision on the "PETITION UNDER 37 C.F.R. §1.53(e)(2) - THE APPLICATION WAS COMPLETE AS FILED ON OCTOBER 14, 2003", filed July 28, 2004, which is being treated as a petition to accord the above-identified application a filing date of June 27, 2003, with page 74 of the specification as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on June 27, 2003. However, on May 28, 2004, the Initial Patent Examination Division mailed applicant a "Notice of Omitted Item(s) in a NonProvisional Application." Applicant was notified that the application papers had been accorded a filing date of June 27, 2003; however, page 74 of the specification appeared to have been omitted.

In response, applicant filed the instant petition. Accompanying the petition was a copy of page 74 of the specification. Applicant maintains that the application as originally filed included page 74. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "88 pp spec/29 claims/abstract" as enclosed, bearing a United States Patent and Trademark Office date-stamp of June 27, 2003, and lacking any notation of non- receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Given the basis for granting the petition, the petition fee will be refunded to petitioner under separate cover.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of June 27, 2003, using the application papers received in the Office on that date and page 74 of the specification as resupplied on petition filed July 28, 2004.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions